

parents or the survivor of them. All the rest of my books, with my household furniture, to be preserved by my wife for her own use during her life, as hereinbefore mentioned, or to be sold or given to our children or grandchildren in such manner and proportions as she may think proper. All my manuscripts concerning law or any other subject to be burnt as being of no value, and utterly unfit for publication."

The other facts of the case are fully stated in the following opinion of the Chancellor.]

---

THE CHANCELLOR :

Upon carefully reading the will of the late Chancellor Bland, and examining the authorities applicable to the subject, I am of opinion that the bequest to his wife in the first clause, is general and not specific, and the authorities are, in my judgment, equally clear to show that the bequest to his daughter in the second clause is specific.

The cases which are collected and reviewed by *Mr. Roper* in his treatise on the law of *Legacies*, at page 184, *et seq.* of the first volume, seems to me to be quite conclusive upon the subject. There may, perhaps, be more difficulty in determining the character of the bequest to the testator's wife in the 5th clause. In that, after giving to Captain Isaac Mayo, the husband of his daughter, "all his books, historical or biographical, of Greece, of Rome, of Great Britain or Ireland, of the United States, and of the several states, and Rees' Encyclopedia, as a token of his respect," he directed all the rest of his books, with his household furniture, to be preserved by his wife for her own use during her life, as thereinbefore mentioned, or to be sold or given to their children or grandchildren in such manner and proportions as his wife should think proper.

It has been strongly urged by the counsel for Mrs. Bland, that with regard to these books and household furniture, she must be considered as a specific legatee, but I do not think he is sustained by the authorities, or the principle upon which the distinction between general and specific legacies is founded. The bequest of all the testator's personal estate is certainly not